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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,295	08/03/2000	Jay S. Walker	96-200-C1	1956

22927 7590 04/02/2008  
WALKER DIGITAL MANAGEMENT, LLC  
2 HIGH RIDGE PARK  
STAMFORD, CT 06905

EXAMINER
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WEISBERGER, RICHARD C

ART UNIT	PAPER NUMBER
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3693

MAIL DATE	DELIVERY MODE
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04/02/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/632,295

**Applicant(s)**

WALKER ET AL.

**Examiner**

Richard C Weisberger

**Art Unit**

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 60,73-89,91-114 and 116-121 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 60,73-81,88,96-103,105 and 116-121 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 60,73-89,91-114 and 116-121 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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***Claim Rejections - 35 USC § 112***

Claims 60,73-81,88,96-103,105 and 116-121 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation "sponsoring organization" is vague and indefinite as to what the organization is sponsoring and where is the line of delineation between the sponsoring organization and the credit providing (e.g. bank) organization).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 60,73-81,88,96-103,105 and 116-121 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spivak (or record).

The reference teaches that it is well known to send unsolicited credit cards in the mail. In addition the reference teaches that it is well known for retailers to offer and issue revolving lines of credit while the customer is at the store. ¶ 11 - ¶ 13. Taken in its entirety, this reference teaches that it was well known for retailers to offer a revolving line of credit to their customers, to offer an unsolicited revolving line of credit, to offer a revolving line of credit unsolicited in the mail, to offer a revolving lines of credit to the customer while the customer is at the store, to activate the revolving lines of credit while the customer is at the store, to offer customers the

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option of using the revolving line or credit for a purchase, to activate the revolving line of credit at the store. See, ¶ 11 and ¶ 12 .

Inherent in this teaching (¶ 11, an investigation) is the credit card issuer obtaining an indication from a credit card provider (which may be the same entity, which may be the sponsoring organization, which provides a service) that a line of credit has been established.

As for the claimed “activation step”, the examiner interprets the activation step to read on the first purchase using the card. The transmission of the purchase information is inherent to this process.

The applicant has amended his claims and now argues that the following features are not taught by Spivak;

(1) receiving an indication that a line of credit has been established for a customer expected to arrive at a particular location of a sponsoring organization (in which the customer has not solicited the line of credit.).

Even assuming the narrow interpretation of the claims language argued by the applicant that that the sponsoring organization be an entity other than the credit providing entity (which need not be the case), it would have been obvious for a sponsoring organization (e.g., a retail store) to have preapproved store credits cards or offers for preapproved credit cards to a list of people whom the store has an expectancy to use the card. Moreover, it would have been obvious for one skilled in the art for the stores to have offered the cards to people who meet some specific credit criteria as motivated by the need to balance credit risk and credit sales.

(2) offering the line of credit at the same location (as the sponsoring organization),

Even assuming the narrow interpretation of the claim language argued by the applicant that the location be the physical brick and mortar location of the sponsoring organization (which

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need not be the case as the claims could read on an electronic internet location), it would have been obvious for one skilled in the art at the time to have offered the card to shoppers while at the sponsoring location store as motivated by the need to reduce the risk of credit theft and or to increase the likelihood that the customer be aware that credit has been preapproved for the customer.

The reference fails to teach the offering location to be a hotel. It would have been obvious for a hotel, a class of merchants, a furniture repair shop, a class of merchants where goods are dropped off and picked up, and a consultant, a class of merchants where a customer schedules a service, all to participate in the teaching of Spivak and the obvious embodiments of Spivak as motivated well known theories of supplying credit to foster demand.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

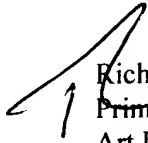
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard C Weisberger whose telephone number is 571 272 6753. The examiner can normally be reached during the hours of Maxiflex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer 571 272 6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Richard C Weisberger  
Primary Examiner  
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